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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MOHAMED MAJED CHEHADE REFAI,

Plaintiff,

v.

UNITED STATES OF AMERICA, et al.,

Defendants.

No. 2:08-cv-01096-PMP-PAL

**REQUEST FOR EXCEPTION
TO ORDER SCHEDULING A
SETTLEMENT CONFERENCE**

The United States and Peter Lazaro, by and through their counsel, respectfully request that they be exempted from the Court's requirements in its September 19, 2012 Order Scheduling a Settlement Conference that "[c]ounsel of record, individual parties, and a fully authorized representative shall appear in person" for the scheduled January 24, 2013 settlement conference and shall submit a confidential settlement conference statement in preparation for the

1 conference. ECF No. 260 at 1,2; ECF No. 261. The claims against both Peter Lazaro and the
2 United States have been dismissed from this case. It is unclear whether the Court's September
3 19, 2012 Order nonetheless applies to the United States, Peter Lazaro and their counsel. Because
4 all claims against Peter Lazaro and the United States have been dismissed and they have no legal
5 interest in the claims that will be adjudicated in the upcoming trial scheduled for March 12,
6 2013, they respectfully request that the Court exempt them from the requirement that they and
7 their counsel participate in, and submit settlement statements in preparation for, the January 24,
8 2013 settlement conference.
9

10 On March 1, 2010, the district court granted the United States' motion to dismiss and
11 motion for summary judgment. ECF No. 133. The court's order disposed of all remaining
12 claims asserted against the United States in this action. *Id.*; *see also* ECF No. 89 (Second Am.
13 Compl.). On that same day, the district court granted Peter Lazaro's Motion to Dismiss. ECF
14 No. 132. That order dismissed all claims asserted against Peter Lazaro in this action. *Id.*
15

16 The claims that remain for trial are those Plaintiff asserts against the City of North Las
17 Vegas and the North Las Vegas Police Department. *See* ECF No. 249 (Pretrial Order) at 2.
18 Following the issuance of the Pretrial Order on September 10, 2012, this case was referred to this
19 Court for a settlement conference. ECF Nos. 249, 250. In this Court's September 19, 2012
20 Order Scheduling a Settlement Conference, this Court ordered all counsel of record "who will be
21 participating in the trial ..., all parties appearing *pro se*, if any, and all individual parties must be
22 present." ECF No. 260 at 1. Later in that same Order, the Court stated that unless the Court
23 grants a request for exception, "[c]ounsel of record, individual parties, and a fully authorized
24 representative shall appear in person" for the scheduled January 24, 2013 settlement conference
25 and prepare settlement conference statements. *Id.* at 1-2. To the extent the Court's September
26
27
28

1 19, 2012 Order extends beyond the parties bound for trial, for the reasons articulated above, the
2 United States, Peter Lazaro and their counsel respectfully request an exemption from it.

3
4 Dated: January 9, 2013

Respectfully submitted,

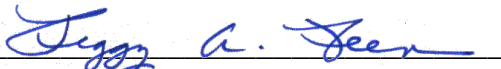
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22 *Attorneys for Defendants the United States*
23 *and Peter Lazaro*

24
25 IT IS SO ORDERED this 11th day
26 of January, 2013.

27
28 
Peggy A. Leen
United States Magistrate Judge

PROOF OF SERVICE

I hereby certify that on January 9, 2013, I filed the foregoing electronically through the CM/ECF system, which caused the following parties or counsel to be served by electronic means, as more fully reflected on the Notice of Electronic Filing:

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